

Message Text

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ACTION STR-07

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EA-10 EUR-12 NEA-10 AGRE-00 CEA-01 CIAE-00
COME-00 DODE-00 EB-08 FRB-03 H-01 INR-10 INT-05
L-03 LAB-04 NSAE-00 NSC-05 PA-01 CTME-00 AID-05
SS-15 ITC-01 TRSE-00 USIA-06 SP-02 SOE-02 OMB-01
DOE-11 DOEE-00 SSO-00 /159 W
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P 151806Z MAR 78
FM USMISSION GENEVA
TO SECSTATE WASHDC PRIORITY 7252
INFO AMEMBASSY HELSINKI
AMEMBASSY OSLO
AMEMBASSY STOCKHOLM

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USMTN

STR FOR ACTION

STR PASS CODEL

E.O. 11652: N/A
TAGS: MTN, ETRD, FI, NO, SW
SUBJECT: PRELIMINARY REVIEW OF U.S. AND NORDIC NTM
- OFFERS

1. SUMMARY: IN A PRELIMINARY REVIEW OF OFFERS ON
NON-TARIFF MEASURES, NORDICS PROVIDED USEFUL CLARI-
FICATION OF THEIR RESPONSES. THE ONLY BRIGHT POINT
WAS SWEDISH WILLINGNESS TO CONSIDER RECLASSIFICATION
OF BORAZON. AFTER EXPLAINING GENEROUS U.S. NTM
OFFER, U.S. DEL INDICATED THAT THE NEGATIVE NORDIC
RESPONSES WOULD BE TAKEN INTO ACCOUNT IN ANY FURTHER
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U.S. CONSIDERATION OF ITS OFFERS. END SUMMARY.

2. IN SEQUEL TO MORNING BILATERAL SESSION, U.S. AND
NORDIC REPS DIRECTED AFTERNOON TO REVIEW NTM OFFERS.
U.S. SIDE (BALE, WALLAR, HAMERSCHLAG) OPENED DISCUSSION
BY REVIEWING THE WORK UNDERDAY IN THE VARIOUS NTM CODES
AND STRESSING THAT THE CODES ARE THE MOST IMPORTANT

ARENA FOR NTM WORK. THERE ARE, HOWEVER, A FEW OTHER IMPORTANT NTM'S THAT WERE NOT SUBJECT TO THIS CODE WORK THAT WERE THE SUBJECT OF U.S. REQUESTS TO NORDIC COUNTRIES. U.S. DEL EXPRESSED ITS DISAPPOINTMENT WITH THE NORDIC OFFERS ON NTM'S WHICH DID NOT APPEAR AS FORTHCOMING AS THOSE OF THE U.S. AND HOPED THAT THE SITUATION COULD BE CLARIFIED DURING THE SESSION. NORDICS (HAGFORS, ET AL) STATED THAT THEY SHARED U.S. INTEREST IN THE CODE WORK AND RE-DEDICATED THEIR EFFORTS TO SUCCESSFUL CODE NEGOTIATIONS. HAGFORS SAID THAT IN ADDITION TO ALL THE NTM CODE AREAS THAT ARE UNDER ACTIVE DISCUSSION THEY ARE ALSO INTERESTED IN ACTIVELY ENGAGING IN NEGOTIATIONS ON LICENSING TEXTS. HAGFORS DISPUTED THE U.S. OBSERVATION THAT THE NORDIC OFFERS WERE NOT FORTHCOMING CLAIMING THAT NORDIC RESPONSES WERE STRUCTURED IN A SIMILAR FASHION AS THOSE OF THE U.S., I.E., INDICATIONS OF MEASURES ON WHICH THEY ARE WILLING TO DISCUSS OR THOSE WHICH ARE NON-NEGOTIABLE.

2. HIGHLIGHTS OF REVIEW OF THE NORDIC OFFERS IN RESPONSE TO U.S. REQUESTS ARE AS FOLLOWS:

(A) RULES OF ORIGIN (R/O): U.S. HIGHLIGHTED THIS REQUEST STATING THAT R/O WERE AN EFFECTIVE NON-TARIFF MEASURE AND THE U.S. PLACED A HIGH INTEREST IN THEIR MODIFICATION. HAGFORS WAS UNWILLING TO PURSUE TOPIC LIMITED OFFICIAL USE

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AT THIS TIME, STATING THAT THE NORDICS HAVE MADE PROPOSALS TO THE EC FOR MODIFICATIONS AND REACTION TO THESE ARE TO BE CONSIDERED BEFORE FURTHER EXAMINING HOW TO TACKLE THE PROBLEM.

(B) CLASSIFICATION OF BORAZON: THE SWEDES NOTED THAT IN THEIR TARIFF CLASSIFICATION UNCOATED BORAZON FALLS INTO CCCN 28.57 WHICH IS FREE, WHILE COATED BORAZON FALLS INTO CCCN 38.19-99 WHICH IS SUBJECT TO 11 PERCENT DUTY. THEIR CUSTOMS EXPERTS HAVE CONCLUDED THAT BORAZON COULD NOT BE CLASSIFIED AS CCCN 71.04, A SYNTHETIC PRECIOUS MATERIAL. THE SWEDES OFFERED, HOWEVER, TO ENTERTAIN THE POSSIBILITY OF CLASSIFYING IT WITHIN CATEGORY 38.19 TO A HEADING WHICH IS DUTY-FREE, IF THE U.S. COULD DEMONSTRATE THAT THERE WAS A SIGNIFICANT AMOUNT OF TRADE TO SWEDEN IN THIS ITEM. U.S. DEL INDICATED WE WOULD SEEK THE NECESSARY INFORMATION FROM WASHINGTON.

(C) PORT TAX: IN RESPONSE TO U.S. ASSERTION THAT EXPORTS AND IMPORTS SHOULD BEAR EQUAL BURDEN FOR PORT SERVICES, NORWEGIAN DEL (SELMER) RETORTED THAT SERVICES

FOR EXPORTS ARE DIFFERENT FROM THOSE FOR IMPORTS,
BUT HE COULD NOT ELABORATE. NORWEGIAN DEL DEFENDED
PROGRAM BY STATING THAT THEIR PRACTICES CORRESPOND
TO THAT IN OTHER WESTERN EUROPEAN COUNTRIES. THEREFORE,
NORWAY WAS NOT IN A POSITION TO CHANGE THEIR PRACTICE
UNILATERALLY. NORWEGIANS BELIEVE THAT THE PROSPECTS
ARE DIM FOR MULTILATERAL CHANGE OF THIS PRACTICE.

(D) SALES TAX ON AUTOMOBILES: NORWEGIANS MAINTAINED
THAT, IN PRINCIPLE, THIS TAX (ASSESSED ON DUTY-PAID
VALUE) IS NON-DISCRIMINATORY. THEY CAN FIND NO BASIS
FOR DEVIATING FROM THIS PRINCIPLE. U.S. SAID THAT WHILE
IN THEORY THE TAX MIGHT-BE REGARDED AS NON-DISCRIMINATORY,
IN EFFECT IT IS DISCRIMINATORY AGAINST THE U.S. SINCE
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THE U.S. DOES NOT ENJOY THE PREFERENTIAL TARIFF TREATMENT AS DO SOME OTHER AUTOMOBILE EXPORTERS.

(E) EQUALIZATION TAX: FINNISH EXPERT FROM HELSINKI EXPLAINED THAT THIS TAX SYSTEM IS DESIGNED TO BRING THE TAX BURDEN ON IMPORTED PRODUCTS INTO LINE WITH THAT OF DOMESTIC PRODUCTS. THE OBJECTIVE OF THIS TAX IS NOT PROTECTIONIST, HE MAINTAINED, AND HAS A MODEST INCIDENCE OF 2-3 PERCENT. HAVING ADOPTED THIS TAX, FINNISH EXPERT STATED THAT IT WOULD BE DIFFICULT TO STEP BACK AND TAKE AWAY THIS ELEMENT. STUDIES HAVE BEEN UNDER WAY FOR A NUMBER OF YEARS ON THE POSSIBILITY OF CONVERTING TO A VALUE ADDED TAX SYSTEM. WHEN AND IF THIS NEW SYSTEM IS ADOPTED THE EQUALIZATION TAX WILL BE ELIMINATED. FINLIMITED OFFICIAL USE

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NISH EXPERT COULD NOT SPECULATE AS TO WHEN THIS CHANGE WOULD OCCUR, NOTING THAT THE DIFFICULTIES FOR ADOPTION OF THE VAT ARE LARGELY POLITICAL.

(F) CREDIT RESTRICTIONS: FINNISH DEL STUCK BY THEIR INITIAL RESPONSE THAT THIS MEASURE IS NON-NEGOTIABLE.

3. IN CLOSING REMARKS, U.S. DEL SAID THAT WE TOOK CAREFUL NOTE OF NORDIC RESPONSES AND INDICATED THAT THE RESPONSES WOULD BE TAKEN INTO ACCOUNT IN THE DEVELOPMENT OF FURTHER U.S. OFFERS LATER IN THE NEGOTIATIONS.

4. DISCUSSION THEN TURNED TO U.S. OFFERS IN RESPONSE TO NORDIC REQUESTS. U.S. DEL DREW ON MATERIAL SUPPLIED BY WASHINGTON AGENCIES IN SUPPORT OF U.S. OFFERS, BRINGING NORDIC DELS UP TO DATE WITH SOME RECENT MODIFICATIONS IN U.S. PRACTICES ON VARIOUS NON-TARIFF MEASURES. HIGHLIGHTS OF DISCUSSION ARE AS FOLLOWS:

(A) GOVERNMENT PROCUREMENT: NORDIC DEL STATED THAT IF THERE WERE NO MULTILATERAL GOVERNMENT PROCUREMENT CODE THEY WOULD BE INTERESTED IN PURSUING THEIR INTERESTS ON A BILATERAL BASIS.

(B) ANTIDUMPING: WHILE NORDICS TOOK NOTE OF U.S. RESPONSE, THEY REITERATED THEIR DESIRE THAT THIS MEASURE BE DEALT WITH IN THE MTN CONTEXT. IF U.S. CHANGES TO ITS ANTIDUMPING PRACTICES WERE MADE IN CONNECTION WITH THE GATT ANTIDUMPING COMMITTEE WORK, NORDICS HOPED TO "BENEFIT FROM THE POLITICAL BOOST" OF THE MTN TO OBTAIN CHANGES IN U.S. ANTIDUMPING LEGISLATION. NORDIC INTERESTS IN U.S. CHANGING ITS LEGISLATION ARE WIDE-RANGING, POINTING TO THEIR

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NUMEROUS OBSERVATIONS MADE IN THE GATT COMMITTEE (E.G., STRICT INJURY TEST), AND NOT LIMITED TO THE SPECIFIC MEASURE REQUESTED (I.E., SIMULTANEOUS PRICE AND INJURY INVESTIGATIONS).

(C) CUSTOMS VALUATION: NORDIC SPOKESMAN CLAIMED THAT FOR NORDIC COUNTRIES TO CHANGE TO A VALUATION SYSTEM ALONG THE LINES OF THE EC PROPOSAL ON CUSTOMS VALUATION WOULD RESULT IN MAJOR MODIFICATIONS TO THEIR SYSTEM INVOLVING A SUBSTANTIAL LOSS OF REVENUE. NORDICS SAID THAT IT WOULD BE "VERY PAINFUL" FOR THEM TO GO ALONG WITH EC APPROACH, BUT INDICATED THEIR WILLINGNESS TO ENGAGE IN THE TRI-PARTATE TALKS WITH U.S. AND EC LATER THIS MONTH. IN PARTICULAR, NORDICS WERE INTERESTED IN U.S. POSITION WITH RESPECT TO THE EC'S PROPOSAL TO ELIMINATE UNIQUE U.S. VALUATION PRACTICES SUCH AS AMERICAN SELLING PRICE AND FINAL LIST. U.S. DEL SAID THAT COST FOR U.S. TO CHANGE ITS VALUATION SYSTEM COULD BE MULTIPLIED MANY TIMES OVER THAT OF THE NORDIC COUNTRIES AND WELCOMED THE NORDIC POSITIVE ATTITUDE IN PURSUING NEGOTIATIONS. U.S. DEL SAID THAT ITS RESPONSE ON ASP AND FINAL LIST WERE SINCERE, THAT IS, IF A NEW VALUATION CODE ALONG THE LINES OF THE EC DRAFT WERE TO EMERGE, THEN THE U.S. WOULD HAVE TO CONSIDER THE ELIMINATION OF THESE VALUATION PRACTICES.

(D) SAFETY REQUIREMENTS - VESSELS: THE NORDICS EXPRESSED INTEREST IN BOTH COMMERCIAL AS WELL AS NON-COMMERCIAL CRAFT AND HOPED THE PROBLEMS COULD BE HANDLED IN CONTEXT OF THE STANDARDS CODE.

(E) CUSTOMS INVOICE 5515: WHILE SWEDISH EXPORTERS HAD GREETED WITH SATISFACTION RECENT U.S. CHANGES IN THIS INVOICE, NEW PROBLEMS HAVE ARISEN IN THE STEEL SECTOR WITH SPECIAL STEEL INVOICE. U.S. DEL SAID THAT THE CIRCUMSTANCES GIVING RISE TO THIS INVOICE

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ARE UNIQUE AND THAT U.S. TRIED TO LIMIT INCONVENIENCE TO IMPORTERS BY RELYING ON A FORM WHICH WAS SUBSTANTIALY THE SAME AS ONE WITH WHICH THEY ARE READILY FAMILIAR.

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(F) ASME CERTIFICATION AND STANDARDS: IN ADDITION
TO CONCERN WITH ASME CERTIFICATION PRACTICES, FINNISH
AND SWEDISH DELS ARE ALSO INTERESTED IN ASME'S STANDARD
WITH RESPECT TO SAUNA STOVES. WHILE FINNISH AND SWEDISH
MERCHANDISE IS GEARED TO REACH TEMPERATURES AROUND
150 DEGREES CENTIGRADE, ASME STANDARDS, THEY ALLEDGE,
ONLY PERMIT SAUNA UNITS TO REACH BETWEEN 50 AND 60
DEGREES CENTIGRADE.

(G) FAIR PACKAGING AND LABELING ACT: NORDICS EX-
PRESSED HOPE THAT DIFFICULTIES ENCOUNTERED WITH THESE
MEASURES COULD BE SUCCESSFULLY ADDRESSED IN THE STANDARDS
CODE.

(H) MARKS OF ORIGIN: NORDIC SPOKESMAN POINTED TO
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AN ERROR IN THEIR SECOND REQUEST CONCERNING LABELING.

THE REQUEST SHOULD READ: "TARIFF ACT OF 1930, MARKS OF ORIGIN". U.S. DEL THEN PROVIDED THE RESPONSE WITH RESPECT TO MARKS OF ORIGIN, NOTING THAT THE U.S. WOULD ENTERTAIN SPECIFIC PRODUCTS THAT NORDICS WOULD WISH TO HAVE ON THE "J" LIST (EXCEPTIONS FROM MARKING REQUIREMENT). NORDICS SAID THAT THEY WOULD PROVIDE A SPECIFIC LIST IN THE FUTURE AND CITED TWO EXAMPLES OF MERCHANDISE THEY WOULD LIKE TO HAVE ON THE "J" LIST: TUBES FOR ROCK DRILLS AND AUTOMOBILE SPARE PARTS. (I) JONES ACT: PRIMARY INTEREST HERE IS FOR FINLAND TO SELL ICEBREAKERS IN U.S. MARKET. NORWAY NOTED THAT U.S.-REGISTERED TUG BOATS ARE PERMITTED TO OPERATE IN NORWEGIAN WATERS. THIS MEASURE IS OF HIGH IMPORTANCE FOR NORDIC COUNTRIES AND HINTED THAT NEGATIVE U.S. RESPONSE COULD AFFECT ACTIONS IN THE TARIFF SIDE. U.S. DEL DREW ATTENTION TO U.S. RESPONSE INDICATING THE PRINCIPLE OF THE JONES ACT WAS NON-NEGOTIABLE. ANY POSSIBLE EXEMPTIONS FOR SPECIFIC VESSELS WOULD BE EXTREMELY DIFFICULT.

(J) STEEL QUOTAS: WHILE NORDICS CONCEDED THAT THIS WAS AN ARTICLE XIX ACTION, THE U.S. CLAIM THAT STEEL IS A MANDATORY EXCEPTION UNDER U.S. LAW CREATED A DOUBLE OBSTACLE TO TRADE, I.E., NO POSSIBILITY FOR TARIFF REDUCTION AS WELL AS QUOTA. NORDICS REITERATED THEIR HOPE FOR EARLY ABOLITION OF THESE QUOTAS.

(K) CONTAINERS FOR USE ON U.S. VESSELS: U.S. DEL INDICATED THAT WE ARE WILLING TO CONSIDER POSSIBLE CHANGES TO U.S. PRACTICE WITHIN A NEGOTIATING CONTEXT. (L) CLASSIFICATION OF LACE OR NET UNDERWEAR (EX 378.05) AND CERTAIN BENZENOID MEDICINES (EX 407.85): DEL LIMITED OFFICIAL USE

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NOTED LONG HISTORY OF ATTEMPT BY NORWAY TO RECLASSIFY LACE OR NET UNDERWEAR WITHOUT PAST (OR LIKELY FUTURE) SUCCESS AND NOTED 60 PERCENT U.S. TARIFF OFFER ON 378.05. ON 407.85, DEL NOTED THAT IT APPEARED THAT WE WOULD VIOLATE HEADNOTE 1 OF PART 3 OF SCHEDULE 4 OF TSUS IF WE WERE TO TRY TO RECLASSIFY ITEMS IN 407.85. DEL REQUESTED NORWAY TO PROVIDE MORE INFORMATION ON WHETHER BENZENOIDS HAVE THERAPEUTIC VALUE IN REQUESTED ITEMS.

5. COMMENT: THE SESSION WAS HIGHLY CONSTRUCTIVE IN OPENING A DIALOGUE ON NEGOTIATIONS OF NON-TARIFF MEASURES NOT BEING DEALT WITH MULTILATERALLY. UNFORTUNATELY ONLY ONE U.S. REQUEST (BORAZON-SWEDEN) AT THIS STAGE APPEARS TO BE POSSIBLE OF OBTAINING SOME NORDIC CONCESSION. WHILE WE SHOULD TRY TO FURTHER DRAW

NORDICS INTO A NEGOTIATING ATMOSPHERE ON NTM'S, LACK
OF FORTHCOMING NORDIC RESPONSE WILL REQUIRE U.S.
DEL TO KEEP CLOSE TABS ON RECIPROCITY FOR POSSIBLE
U.S. NTM CONCESSIONS. END COMMENT.

6. ACTION REQUESTED: U.S. MTN DEL WOULD APPRECIATE
TRADE STATISTICS, PRESUMABLY OBTAINABLE FROM ISAC WHICH
LODGED REQUEST ON BORAZON EXPORTS FROM THE U.S. TO
SWEDEN AND TO ALL NORDIC COUNTRIES. U.S. MTN DEL
WOULD ALSO APPRECIATE INFORMATION WITH RESPECT TO
MARITIME CONCESSIONS U.S. WOULD SEEK FROM NORDICS IN
EXCHANGE FOR U.S. POTENTIAL ACTION ON SHIP CONTAINERS
REGULATIONS.

7. DRAFTED BY WALLAR. MCDONALD

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Message Attributes

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TAGS: ETRD, FI, NO, SW, US, MTN
To: STATE
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vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/8b59cec6-c288-dd11-92da-001cc4696bcc
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